

LEWIS
AND
ROCA
LLP
LAWYERS

E-Filed on 3/19/07

1 3993 Howard Hughes Parkway, Suite 600
2 Las Vegas, NV 89169-5996
Telephone (702) 949-8320

3 Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
4 Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 In re:

9 **USA COMMERCIAL MORTGAGE
COMPANY,**

10 **USA CAPITAL REALTY ADVISORS, LLC,**

11 **USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,**

12 **USA CAPITAL FIRST TRUST DEED FUND,
LLC,**

13 **USA SECURITIES, LLC,**

14 Debtors.

15 **Affects:**

- 16 .. All Debtors
- 17 X USA Commercial Mortgage Company
- 18 .. USA Capital Realty Advisors, LLC
- 19 .. USA Capital Diversified Trust Deed Fund, LLC
- 20 .. USA Capital First Trust Deed Fund, LLC
- 21 .. USA Securities, LLC

22 Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

23 **CHAPTER 11**

24 Jointly Administered Under Case No. BK-S-
06-10725 LBR

25 **NOTICE OF HEARING REGARDING
OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOF OF
CLAIM FILED BY COPPER SAGE
COMMERCIAL CENTER LLC (CLAIM
NO. 792)**

26 Hearing Date: April 26, 2007

Hearing Time: 9:30 a.m.

27 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
YOU FILED. THE DEADLINE TO RESPOND TO THE OBJECTION IS APRIL
19, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR
WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel.**

LEWIS
AND
ROCA
LLP
LAWYERS

1 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust (“USACM
2 Trust”) by and through its counsel, has filed an Objection to Proof of Claim No. 792 Filed
3 by Copper Sage Commercial Center LLC (the “Objection”). USACM Trust requests that
4 this Court enter an order, pursuant to § 502 of title 11 of the United States Code (the
5 “Bankruptcy Code”). Generally, the USACM Trust respectfully requests that the Court
6 enter an order sustaining its Objection in disallowing Claim No. 792 filed by Copper Sage
7 in its entirety, or alternatively, allow the Claim in an amount to be proven at trial.

8 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
9 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
10 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
11 **April 26, 2007, at the hour of 9:30 a.m.**

12 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26,
13 2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
14 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
15 HEARD ON THAT DATE.**

16 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
17 by **April 19, 2007** pursuant to Local Rule 3007(b), which states:

18 If an objection to a claim is opposed, a written response must
19 be filed and served on the objecting party at least 5 business
20 days before the scheduled hearing. A response is deemed
21 sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting
party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

22 If you object to the relief requested, you *must* file a **WRITTEN** response to this
23 pleading with the Court. You *must* also serve your written response on the person who
24 sent you this notice.

25 Please be advised that Local Rule 3007(c) provides in part: “If a written response is
26 not timely filed and served, the court may grant the objection without calling the matter

LEWIS
AND
ROCA
LLP
LAWYERS

1 and without receiving arguments or evidence.” If you do not file a written response with
2 the Court, or if you do not serve your written response on the person who sent you this
3 notice, then:

4

- 5 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 6 • The Court may *rule against you* without formally calling the matter at the
hearing.

7 Dated: March 19, 2007.

8 **LEWIS AND ROCA LLP**

9

10 By: /s/ RC (#6593)

11 Susan M. Freeman, AZ 4199 (*pro hac vice*)

12 Rob Charles, NV 6593

13 3993 Howard Hughes Parkway, Suite 600

14 Las Vegas, Nevada 89169-5996

Facsimile (702) 949-8321

Telephone (702) 949-8320

Counsel for USACM Liquidating Trust

LEWIS
AND
ROCA
LLP
LAWYERS

1 Proof of Service

2 Copy of the foregoing e-mailed on this 19th day of March, 2007 to all parties listed on the
3 master service list with e-mail addresses, and mailed via First Class U.S. Mail to the
4 following parties:

5 Copper Sage Commercial Center LLC
6 Attn: Robert A. Russell
P.O. Box 28216
7 Scottsdale, AZ 85255

8 Susan Williams Scann, Esq.
sscann@deanerlaw.com
9 Deaner, Deaner, Scann, Malan & Larsen
720 South Fourth Street, Suite 300
Las Vegas, NV 89101

10 Attorneys for Copper Sage Commercial Center LLC

11 s/ Christine E. Laurel

12 Christine E. Laurel
13 Lewis and Roca LLP